

400 Garden City Plaza - Ste 300  
Garden City, New York 11530  
(516) 742-4343 - Telephone  
(516) 742-4366 - Facsimile  
e-mail: intprop@ssmp.com

**SCULLY, SCOTT, MURPHY  
& PRESSER**

**Fax**

**RECEIVED  
CENTRAL FAX CENTER  
JAN 10 2006**

**To:** United States Patent & Trademark Office **From:** Steven Fischman  
Attn: Examiner Xiuqin Sun

**Fax:** 1-571-273-8300 **Pages:** 15 (Including fax cover sheet)

**Phone:** **Date:** January 10, 2006

**Re:** Jennifer E. Appleyard, et al.  
U.S. Patent Appln. No. 10/708,916 **CC:**  
Our Docket: BUR920040032US1 (17437)


☐ **Urgent** ☐ **For Review** ☐ **Please Comment** ☐ **Please Reply** ☐ **Please Recycle**

Attached for submission to the U.S. Patent and Trademark Office are the following:

- **Certificate of Transmission by Facsimile (2)**
- **General Transmittal Letter (2)**
- **Supplemental Amendment and Response Under 37 C.F.R. §1.116**


**CONFIDENTIALITY:** The documents accompanying this facsimile transmission may contain information which is either confidential or legally privileged and is intended only for the authorized use of the individual or entity named above without right or publication or republication, dissemination or disclosure except as expressly set forth or established by course of dealing. All rights are reserved. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution or use of the contents of this facsimile is prohibited. If you received this transmission in error, please notify us immediately by telephone to arrange for return of the documents.

If you have any problems concerning this facsimile, please call (516) 742-4343 and ask for Eileen@ ext. 583.


<b>CERTIFICATE OF TRANSMISSION BY FACSIMILE (37 CFR 1.8)</b>			Docket No. <b>BUR920040032US1 (17437)</b>	
Applicant(s): <b>Jennifer E. Appleyard, et al.</b>				
Application No. <b>10/708,916</b>	Filing Date <b>March 31, 2004</b>	Examiner <b>Xiuqin Sun</b>	Group Art Unit <b>2863</b>	
Invention: <b>TEMPERATURE COMPENSATION IN MAXIMUM FREQUENCY MEASUREMENT AND SPEED SORT</b>				
<b>RECEIVED CENTRAL FAX CENTER JAN 10 2006</b>				
I hereby certify that this <u>Supplemental Amendment and Response Under 37 C.F.R. Sec. 1.116</u> (Identify type of correspondence)				
Is being facsimile transmitted to the United States Patent and Trademark Office (Fax. No. <u>571-273-8300</u> )				
on <u>January 10, 2006</u> (Date)				
<u>Steven Fischman, Reg. No. 34,594</u> (Typed or Printed Name of Person Signing Certificate)				
 (Signature)				
Note: Each paper must have its own certificate of mailing.				

[illegible]

JAN 10 2006

<b>TRANSMITTAL LETTER</b> (General - Patent Pending)				Docket No. <b>BUR910040032US1 (17437)</b>					
In Re Application Of: <b>Jennifer E. Appleyard, et al.</b>									
Application No. <b>10/708,916</b>	Filing Date <b>March 31, 2004</b>	Examiner <b>Xiuqin Sun</b>	Customer No. <b>23389</b>	Group Art Unit <b>2863</b>	Confirmation No. <b>2915</b>				
Title: <b>TEMPERATURE COMPENSATION IN MAXIMUM FREQUENCY MEASUREMENT AND SPEED SORT</b>									
<u>COMMISSIONER FOR PATENTS:</u>									
Transmitted herewith is:  <b>Supplemental Amendment and Response under 37 C.F.R. Sec. 1.116</b>									
in the above identified application.									
<input checked="" type="checkbox"/> No additional fee is required. <input type="checkbox"/> A check in the amount of _____ is attached. <input checked="" type="checkbox"/> The Director is hereby authorized to charge and credit Deposit Account No. <b>09-0456/IBM</b> as described below. <input type="checkbox"/> Charge the amount of _____ <input checked="" type="checkbox"/> Credit any overpayment. <input checked="" type="checkbox"/> Charge any additional fee required. <input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached.									
<b>WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</b>									
 _____ Signature			Dated: <b>January 10, 2006</b>						
<b>Steven Fischman</b> Registration No. 34,594 <b>SCULLY, SCOTT, MURPHY &amp; PRESSER</b> 400 Garden City Plaza, Suite 300 Garden City, New York 11530 (516) 742-4343			<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="padding: 5px;">I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on _____</td> </tr> <tr> <td style="padding: 5px; text-align: center;">(Date)</td> </tr> <tr> <td style="padding: 5px; text-align: center;">_____ Signature of Person Mailing Correspondence</td> </tr> <tr> <td style="padding: 5px; text-align: center;">_____ Typed or Printed Name of Person Mailing Correspondence</td> </tr> </table>			I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on _____	(Date)	_____ Signature of Person Mailing Correspondence	_____ Typed or Printed Name of Person Mailing Correspondence
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on _____									
(Date)									
_____ Signature of Person Mailing Correspondence									
_____ Typed or Printed Name of Person Mailing Correspondence									
SF/BMM:ej CC:									

P16A/REV03

<b>TRANSMITTAL LETTER</b> <b>(General - Patent Pending)</b>				Docket No. <b>BUR910040032US1 (17437)</b>	
In Re Application Of: <b>Jennifer E. Appleyard, et al.</b>					
Application No. <b>10/708,916</b>	Filing Date <b>March 31, 2004</b>	Examiner <b>Xiuqin Sun</b>	Customer No. <b>23389</b>	Group Art Unit <b>2863</b>	Confirmation No. <b>2915</b>
Title: <b>TEMPERATURE COMPENSATION IN MAXIMUM FREQUENCY MEASUREMENT AND SPEED SORT</b>					
<u><b>COMMISSIONER FOR PATENTS:</b></u>					
Transmitted herewith is:  <b>Supplemental Amendment and Response under 37 C.F.R. Sec. 1.116</b>					
in the above identified application.					
<input checked="" type="checkbox"/> No additional fee is required.					
<input type="checkbox"/> A check in the amount of _____ is attached.					
<input checked="" type="checkbox"/> The Director is hereby authorized to charge and credit Deposit Account No. <b>09-0456/IBM</b> as described below.					
<input type="checkbox"/> Charge the amount of _____					
<input checked="" type="checkbox"/> Credit any overpayment.					
<input checked="" type="checkbox"/> Charge any additional fee required.					
<input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached.					
<b>WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</b>					
 _____ Signature			Dated: <b>January 10, 2006</b>		
Steven Fischman Registration No. 34,594 <b>SCULLY, SCOTT, MURPHY &amp; PRESSER</b> 400 Garden City Plaza, Suite 300 Garden City, New York 11530 (516) 742-4343			<div style="border: 1px solid black; padding: 2px;">I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on _____ (Date) _____ _____ Signature of Person Mailing Correspondence _____ Typed or Printed Name of Person Mailing Correspondence</div>		
SF/BMM:ej					
CC:					

P16A/REV03

RECEIVED  
CENTRAL FAX CENTER  
JAN 10 2006

RESPONSE UNDER 37 C.F.R.  
§1.116 EXPEDITED PROCEDURE  
EXAMINING GROUP 2863

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Jennifer E. Appleyard et al.

Examiner: Xiuqin Sun

Serial No.: 10/708,916

Art Unit: 2863

Filed: 3/31/2004

Docket: BUR920040032US1 (17437)

For: TEMPERATURE COMPENSATION  
IN MAXIMUM FREQUENCY  
MEASUREMENT AND SPEED SORT

Conf. No.: 2915

Dated: January 10, 2006

Mail Stop: AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

SUPPLEMENTAL AMENDMENT AND RESPONSE UNDER 37 C.F.R. §1.116

Sir:

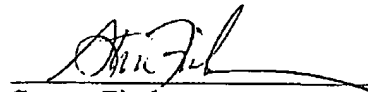
This document is submitted in response to the Final Office Action mailed October 13, 2005 and the Advisory Action mailed December 27, 2005. No new matter has been added.

---

CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office on the date shown below.

Dated: January 10, 2006

  
Steven Fischman

Page 1 of 10

G:\IBM\1126\17437\Amend\17437.AM3.doc